REMARKS

This is in response to the Office Action mailed on January 30, 2004, and the references cited therewith.

Claims 13 and 14 are amended herein. Claims 1-20 are now pending in this application.

Specification

The specification has been amended on page 3 as required.

Claim Objections

Claims 13 and 14 have been amended as required solely to make typographical modifications, and not in response to art.

§102 Rejection of the Claims

Claims 16-20 were rejected under 35 USC § 102(e) as being anticipated by Jachowski (US 4,726,071). This rejection is respectfully traversed, as each and every element of the claims are not shown or disclosed.

Jachowski is directed to "multiple tuned cavity devices which allow simultaneous transmission of signals from a plurality of transmitters at different but closely spaced frequencies..." Col. 1, lines 14-17. It only slightly modifies the resonant frequency of the cavity: "...a stepper motor that is mechanically coupled through the wall of a tuned cavity to a tuning element therein, modifying the orientation of the tuning element and slightly modifying the resonant frequency of the cavity." Col. 2, lines 59-63. It does so responsive to an exciting signal fed into the cavity, (Col. 2, lines 12-15) not in response to tuning commands as claimed. An exciting signal is a transmitter signal sent at a desired frequency to excite the cavity. "When the cavity is perfectly tuned to the frequency of an exciting signal, the value of the reflected power (P.sub.R) is at a minimum, as indicated by point 34 on tuning curve 31. If the cavity is badly out of tune, the value of P.sub.R is high..."

An exciting signal is quite different from a tuning command. As described in the present application, a tuning command is a control signal that is "processed by tuning processor 60 to provide appropriate signals to stepper motor 62 and tuning housing mechanism 63 to

appropriately change selected bandpass filters to accommodate the desired mix or protocols." Page 6, lines 8-11. The stepper motor 62 is coupled to a tuning plate 104 to provide adjustment. The exciting signal is the actual signal that resonates the cavity and does not directly tune the cavity. Thus, Jachowski also lacks a tuning plate responsive to the receiver that receives tuning commands, since an exciting signal is clearly not a tuning command. Still further, Col. 3, lines 6-17 of Jachowski, as cited in the Office Action do not describe the "telescoping tuning housing" as claimed. No word beginning with "telesco" was found in the patent. Thus, several elements of claim 16, and claims 17-20 which depend therefrom are lacking, and a prima facie case of anticipation has not been established. The rejection should be withdrawn.

§103 Rejection of the Claims

Claims 1-8, 12, 13 and 15 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski (US 4,726,071) and further in view of Mazur et al. (US 6,463,054) and further in view of Marchetto et al. (US 5,418,818). This rejection is respectfully traversed, as the references, either alone or in combination do not teach or suggest the claimed invention. Further, the references are not properly combinable.

Jachowski specifically indicates that the different frequencies are "different, but closely spaced", thus teaching away from the claimed operation with different communications protocols that require different frequencies. The frequency adjustment offered by Jachowski would be insufficient to produce the frequency changes that the claim elements accomplish. Thus, there is no suggestion to combine the art of Jachowski with the art of Mazur et al, which is cited as teaching operating with different communication protocols that require different frequencies. It would not have been obvious, because there is no teaching that Jachowski can be used to obtain such different frequencies, only frequencies that are closely spaced. Mazur et al. references frequencies that are widely spaced – 30 kHz and 200 kHz. This difference clearly destroys any potential inference of a suggestion to combine them.

It should also be noted that the Marchetto et al. reference does not appear to deal with remotely adjusting a cavity, but rather for adjusting modulation of a signal that is to be broadcast to pagers. There is no suggestion to combine Marchetto et al. with the other references other than a subjective statement that it would have been obvious to do so in order to be able to set

parameters from a remote location. There is no recognition of the problem of adjusting cavities to different frequencies, and hence no proper suggestion to combine the references.

Claims 9-11 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski (US 4,726,071), Mazur et al. (US 6,463,054) and Marchetto et al. (US 5,418,818) and further in view of Blachier et al. (US 3,697,898). This rejection is respectfully traversed as they depend from claims that are already believed allowable.

Allowable Subject Matter

Claim 14 has been allowed.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC S. FAYESKI ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6972

Date 4/30/2004

By _____
Bradley A. Forrest
Reg. No. 30,837

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of April, 2004.

Patricia A. Hamaw _____

Name

Signature